

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:15-cv-138-FDW**

**JOHN LAMAR BERRYMAN,**

**Plaintiff,**

**vs.**

**NORTH CAROLINA DEPARTMENT  
OF PUBLIC SAFETY, et al.,**

**Defendants.**

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**ORDER**


This matter is before the Court on a periodic status review. On October 16, 2015, this Court entered an Order on initial review, followed by instructions for service by the U.S. Marshal on one named Defendant FNU Reid. The Court noted in its order on initial review that the claim appeared to be time-barred, among other things, and invited Defendant Reid to address this issue upon service. Unfortunately, service was returned as unexecuted as to Defendant Reid on November 24, 2015.

In the interest of judicial economy and to move the disposition of this action further along, the Court will order the U.S. Marshal to effectuate service on Defendant North Carolina Department of Public Safety, Division of Prisons. Because the North Carolina Department of Public Safety is an arm of the State of North Carolina, the U.S. Marshal shall effectuate service on the North Carolina Attorney General.

**IT IS THEREFORE ORDERED** that the Clerk shall provide the U.S. Marshal with a

summons form, and the U.S. Marshal shall effectuate service on the North Carolina Attorney General in accordance with Rule 4 of the Federal Rules of Civil Procedure.

The Clerk of this Court is instructed to mail a copy of this Order to the North Carolina Attorney General.

  
Frank D. Whitney  
Chief United States District Judge 